

## **2005 DRAFTING REQUEST**

### **Senate Amendment (SA-SB244)**

Received: **09/09/2005**

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Cathy Stepp (608) 266-1832**

By/Representing: **Jay Risch**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - cust./plac./vis.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Stepp@legis.state.wi.us**

Carbon copy (CC:) to:

---

#### **Pre Topic:**

No specific pre topic given

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#### **Topic:**

Require supervised electronic communication

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#### **Instructions:**

See Attached

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#### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 09/09/2005	kfollett 09/09/2005		_____			
/1			jfrantze 09/09/2005	_____	lnorthro 09/09/2005	lnorthro 09/09/2005	
/2	pkahler 09/12/2005	kfollett 09/13/2005	pgreensl 09/13/2005	_____	sbasford 09/13/2005	sbasford 09/13/2005	
/3	pkahler	kfollett	pgreensl	_____	lemery	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/14/2005	09/14/2005	09/14/2005	_____	09/14/2005	09/14/2005	

FE Sent For:

&lt;END&gt;

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13 kcf  
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p8

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/1		12 kgl 9/13	jfrantze 09/09/2005	9/13 PS/m	lnorthro 09/09/2005	lnorthro 09/09/2005	

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/?	pkahler	11 Kif 9/9	7 9/9	Sub 9/9			

FE Sent For:

**<END>**

## **Amendment #1 for SB 244**

SECTION 9. 767.24 (6g) (2) of the statutes is amended to read:

2. Requiring the child's periods of physical placement [and any Electronic Communication] with the party who committed the battery or abuse to be supervised by an appropriate 3rd party who agrees by affidavit or other supporting evidence to assume the responsibility assigned by the court and to be accountable to the court for his or her actions with respect to the responsibility.

SECTION 10. 767.24 (6g) (3) of the statutes is amended to read:

3. Requiring the party who committed the battery or abuse to pay the costs of supervised physical placement [and any supervised Electronic Communication].

SECTION 11. 767.24 (6g) (4) of the statutes is amended to read:

4. Requiring the party who committed the battery or abuse to attend and complete, to the satisfaction of the court, treatment for batterers provided through a certified treatment program or by a certified treatment provider as a condition of exercising his or her periods of physical placement [and any supervised Electronic Communication].

## Kahler, Pam

---

**From:** Risch, Jay  
**Sent:** Thursday, September 08, 2005 4:35 PM  
**To:** Kahler, Pam  
**Subject:** FW: SB 244 Amendment

-----Original Message-----

From: Risch, Jay  
Sent: Thursday, September 08, 2005 11:50 AM  
To: 'Mike Murray - WCASA'; Patti Seger  
Subject: RE: SB 244 Amendment

Hi Mike and Patti

Would you point out these specific statutes where you would like amendment to apply?

Thanks - Jay

-----Original Message-----

From: Mike Murray - WCASA [mailto:mikem@wcasa.org]  
Sent: Tuesday, September 06, 2005 2:36 PM  
To: Patti Seger; Risch, Jay  
Subject: RE: SB 244 Amendment

Jay,

I hope that you don't mind if I chime in, but Patti is correct in her analysis of this amendment. Section 767.24 (6)(g) only deals with supervised placement in situations involving domestic abuse. However, there are many other situations where supervised visitation is ordered by the judge, such as when sexual or physical abuse of the child has occurred.

I think that the best way to ensure that that electronic communications are not abused is just simply say--as Patti suggests--that if the court orders supervised physical placement between a parent a child for any reason, then the electronic communication must be supervised, too. This would be an easy section to add to the bill, I would think. LRB would know where best to insert such a new section into the statutes.

Thanks for your concern about and responsiveness to this and all of your efforts to amend this bill. Please feel free to contact me if there is anything else I can do to help you with this amendment.

Mike

Mike Murray  
Policy Specialist  
Wisconsin Coalition Against Sexual Assault, Inc.  
600 Williamson St. Suite N-2  
Madison, Wisconsin 53703  
(608) 257-1516 office  
(608) 335-6253 cell  
(608) 257-2150 fax  
mikem@wcasa.org

-----Original Message-----

From: Patti Seger [mailto:pattis@wcadv.org]  
Sent: Tuesday, September 06, 2005 2:18 PM  
To: Jay Risch (E-mail)  
Cc: Mike Murray - WCASA



Subject: FW: SB 244 Amendment

Hi Jay,

Thanks for sharing. I am sorry to say that this doesn't work completely. It works in part. The sections that he has amended only apply to domestic abuse situations. There are a number of other situations that occur, that endanger children, where we would want the courts to clearly understand that electronic communication (EC) does not guarantee safety. For example, when a child is sexually abused? Or physically abused? He has only focused on the Domestic Abuse concern. I am just about to start a meeting and quite apologetically don't have time to pull the statutes off my shelf and look this up. I am copying Mike Murray, the lobbyist at WCASA and am hoping that he can take a look at this as well. I also noted that leg. counsel had a suggestion related to tightening up the language. She was not the drafter of the bill I know. It appears that the bill was drafted by Pam Kahler, who I have found to be really good at figuring these things out. I suggest asking her best advice on a fix. The biggest issue here is that the courts should not substitute EC for supervised visitation (regardless of the reason for the supervised visitation) and if the court does order supervised visits, the EC must be supervised as well. Probably as simple as one sentence.

Please feel free to call if you have further questions.

Patti

-----Original Message-----

From: Risch, Jay [mailto:Jay.Risch@legis.state.wi.us]

Sent: Tuesday, September 06, 2005 2:03 PM

To: Patti Seger

Subject: FW: SB 244 Amendment

Patti -

Does this work? Thanks.

Jay



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa0965/2

PJK: [signature]

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2005 SENATE BILL 244

Mon pm  
Please  
9-12  
D-note

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 15: after "parents." insert "If the court grants electronic  
3 communication to a parent whose physical placement with the child is supervised,  
4 the court shall also require that the electronic communication be supervised."

5 (END)

parent's

with the child

D-note

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa0965/7dn

PJK:...

Date

This amendment addresses the concern of Patti Seger and Mike Murray that a court may order unsupervised electronic communication to a parent whose physical placement is supervised. The amendment simply requires that, if the parent's physical placement with the child is supervised, any electronic communication that the court grants must be supervised, too. It does not address the reason why the physical placement was supervised, so it may go beyond any type of abuse (domestic or child).

I did not amend s. 767.24 (6) (g) 2. and 3., which relate to supervised physical placement in the case of domestic abuse, because then it would seem that I should really add "and electronic communication" to every place in the statutes where "physical placement" occurs. Since the main part of the amendment, which is the additional sentence at the end of SECTION 5 of the bill [s. 767.24 (4) (e)], requires both to be supervised if physical placement is, s. 767.24 (6) (g) 2. does not need to be amended, and the court may require a party to pay the costs of supervised electronic communication under s. 767.24 (6) (g) 8.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: pam.kahler@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa0965/1dn  
PJK:kjf:jf

September 9, 2005

This amendment addresses the concern of Patti Seger and Mike Murray that a court may order unsupervised electronic communication to a parent whose physical placement is supervised. The amendment simply requires that, if the parent's physical placement with the child is supervised, any electronic communication that the court grants must be supervised, too. It does not address the reason why the physical placement was supervised, so it may go beyond any type of abuse (domestic or child).

I did not amend s. 767.24 (6) (g) 2. and 3., which relate to supervised physical placement in the case of domestic abuse, because then it would seem that I should really add "and electronic communication" to every place in the statutes where "physical placement" occurs. Since the main part of the amendment, which is the additional sentence at the end of SECTION 5 of the bill [s. 767.24 (4) (e)], requires both to be supervised if physical placement is, s. 767.24 (6) (g) 2. does not need to be amended, and the court may require a party to pay the costs of supervised electronic communication under s. 767.24 (6) (g) 8.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.state.wi.us](mailto:pam.kahler@legis.state.wi.us)

**Kahler, Pam**

---

**From:** Kahler, Pam  
**Sent:** Monday, September 12, 2005 12:36 PM  
**To:** Risch, Jay  
**Subject:** RE: LRB 05a0965 Topic: Require supervised electronic communication

Yes, I can change "shall" to "may," but the court may do that anyway without saying so.

---

**From:** Risch, Jay  
**Sent:** Monday, September 12, 2005 12:33 PM  
**To:** Kahler, Pam  
**Subject:** FW: LRB 05a0965 Topic: Require supervised electronic communication

Thanks for the quick work Pam -

Would you change line four from "shall" to "may" and return this to me?

Thanks - Jay

---

**From:** Northrop, Lori  
**Sent:** Friday, September 09, 2005 3:10 PM  
**To:** Sen.Stepp  
**Subject:** LRB 05a0965 Topic: Require supervised electronic communication

The attached proposal has been jacketed for introduction.

A copy has also been sent to:



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa0965/1

PJK:kjf:ff

*rm is run*

**SENATE AMENDMENT ,  
TO 2005 SENATE BILL 244**

*Tuesday*  
*D-note*

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 3, line 15: after "parents." insert "If the court grants electronic
- 3 communication to a parent whose physical placement with the child is supervised,
- 4 the court ~~shall~~ also require that the parent's electronic communication with the child
- 5 be supervised."

6 (END)

*may*

*D-note*

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa0965/2dn

PJK:kjf:jt

Date

As we discussed, since the court may require that electronic communication be supervised without specifically saying so, this amendment is not really necessary in my opinion. The statutes do not currently authorize a court to make physical placement supervised, so if physical placement is supervised, the court ordered it within its own discretion in the child's best interest. The court has that same authority with electronic communication.

In addition, my impression was that the concern was that a person might get around supervised physical placement with unsupervised electronic communication. Allowing, but not requiring, the court to order supervised electronic communication if physical placement is supervised would not alleviate that concern.

One final concern that I have is that this language may be interpreted as limiting on the court. In other words, only if physical placement is supervised may the court order that electronic communication be supervised. Of course, if physical placement is not supervised, there may be no reason ~~to order that~~ electronic communication be supervised.

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E-mail: pam.kahler@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa0965/2dn  
PJK:kjf:pg

September 13, 2005

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In addition, my impression was that the concern was that a person might get around supervised physical placement with unsupervised electronic communication. Allowing, but not requiring, the court to order supervised electronic communication if physical placement is supervised would not alleviate that concern.

One final concern that I have is that this language may be interpreted as limiting on the court. In other words, only if physical placement is supervised may the court order that electronic communication be supervised. Of course, if physical placement is not supervised, there may be no reason for electronic communication to be supervised.

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STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

9-14

Jay - Sen Stepp's office

please change back to sharl

require supervised elec.com.





State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa0965/2

PJK:kjf:pg

3  
KJF  
rm is run

SENATE AMENDMENT ,  
TO 2005 SENATE BILL 244

today!  
please  
(Wed)

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6 (END)

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